

Intersectionality between Immigration and Fertility Law

Course Summary: This course involves a joint discussion by two experts in the immigration law and fertility law fields regarding the intersectionality of both disciplines in immigration client cases. Following an overview of reproductive technology services and parentage rules in Canada, the instructors will cover a number of topics that discuss the impact of a person's immigration status on the birth process, surrogacy, in vitro fertilization and adoption. Specific case studies will be discussed as well as ethical issues that arise in the intersection of these two important areas of law.

Course Outline:

1. Overview of reproductive technology services in Canada
2. Overview of federal laws with regard to assisted reproduction
3. Overview of medical costs and responsibilities
4. Overview of parentage rules in Canada and the post birth process
 - Typical time frame to parentage
5. Immigration challenges involved in surrogacy, in vitro fertilization and egg donation
6. Jurisdictional issues regarding the child's birthplace
7. Entry into Canada for the child's birth – hospital process, support from Global Affairs
8. COVID effects on the process
9. New citizenship rules for non-biological children of a Canadian parent
10. Sponsorship process for non-biological children of permanent resident parents
11. Immigration challenges involved in international adoption cases
 - Hague v. non-Hague countries
 - Best interests of the child
 - The legal test for a “genuine” adoption vs. adoption of convenience, including case law

- Important steps in the process
- Awareness of rules in the province of destination

12. Two case study scenarios

13. Ethical issues

- Is it justifiable that biological and non-biological children are subject to a different legal test?
- Awareness of child trafficking

14. What to do if you suspect an adoption of convenience

15. Questions and answers